

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C814-06-0233 – Wildflower Commons  
Planned Unit Development

**Z.A.P. DATE:** July 17, 2007 (Staff)  
September 4, 2007 (Staff)  
November 6, 2007 (Staff)  
December 18, 2007 (Staff)  
February 19, 2008 (Staff)  
August 5, 2008 (Staff)  
September 16, 2008 (Staff)  
October 7, 2008 (Staff)  
October 21, 2008 (Staff)  
November 4, 2008 (Adj. Owner)  
November 18, 2008

**ADDRESS:** 4700 – 5200 Block of SH 45

**OWNER:** Wildflower Commons I, L.P. and  
Wildflower Commons II, L.P.  
(William S. Walters, III)

**AGENT:** Drenner & Golden Stuart  
Wolff, L.L.P.  
(Michele C. Haussmann)

**ZONING FROM:** SF-2; GO      **TO:** PUD      **AREA:** 265.678 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant planned unit development (PUD) district zoning with the conditions of the Environmental Board Motion 101508-3A, as shown in Attachment A; incorporating the Exterior Light Pollution Reduction Techniques, Exterior Design / Heat Island Reduction Requirements as illustrated in Attachment C; and as shown in the PUD Land Use Plan provided in Exhibit B.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated October 15, 2008, as provided in Attachment B.

### **ENVIRONMENTAL BOARD RECOMMENDATION:**

August 20, 2008: *POSTPONED TO SEPTEMBER 17, 2008 BY THE ENVIRONMENTAL BOARD (6-0).*

September 17, 2008: *WITHDRAWN FROM THE AGENDA, DUE TO LACK OF QUORUM.*

October 1, 2008: *WITHDRAWN FROM THE AGENDA, DUE TO LACK OF QUORUM AND TO BE POSTED ON THE OCTOBER 15, 2008 AGENDA.*

October 15, 2008: *RECOMMENDED FOR APPROVAL WITH CONDITIONS, AS SHOWN IN THE ENVIRONMENTAL BOARD MOTION 101508-3A, PROVIDED IN ATTACHMENT A.*

*[P. MONCADA; R. AHART – 2<sup>ND</sup>] (5-0-2) D. ANDERSON; J. BEALL – ABSTAIN*

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

July 17, 2007: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO SEPTEMBER 4, 2007.*

*[J. MARTINEZ; S. HALE – 2<sup>ND</sup>] (8-0)*

September 4, 2007: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO NOVEMBER 6, 2007.*

*[J. MARTINEZ; S. HALE – 2<sup>ND</sup>] (8-0)*

November 6, 2007: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO DECEMBER 18, 2007.*

*[J. MARTINEZ; T. RABAGO – 2<sup>ND</sup>] (7-0) S. HALE – ABSENT*

December 18, 2007: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO FEBRUARY 19, 2008.*

*[K. JACKSON, J. GOHIL – 2<sup>ND</sup>] (8-0)*

February 19, 2008: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY THE STAFF*

*[J. GOHIL, J. SHIEH – 2<sup>ND</sup>] (5-0) K. JACKSON – NOT YET ARRIVED; T. RABAGO, J. MARTINEZ – ABSENT*

August 5, 2008: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO SEPTEMBER 16, 2008.*

*[K. JACKSON; T. RABAGO – 2<sup>ND</sup>] (6-0) C. HAMMOND – ABSENT*

September 16, 2008: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO OCTOBER 7, 2008.*

*[K. JACKSON; T. RABAGO – 2<sup>ND</sup>] (7-0)*

October 7, 2008: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO OCTOBER 21, 2008.*

*[C. HAMMOND; T. RABAGO – 2<sup>ND</sup>] (6-0) K. JACKSON – ABSENT*

October 21, 2008: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO NOVEMBER 4, 2008.*

*[R. EVANS; D. TIEMANN – 2<sup>ND</sup>] (4-0) B. BAKER; K. JACKSON; J. GOHIL – ABSENT*

November 4, 2008: *APPROVED A POSTPONEMENT REQUEST BY AN ADJACENT PROPERTY OWNER TO NOVEMBER 18, 2008.*

*[T. RABAGO; J. GOHIL – 2<sup>ND</sup>] (5-0) R. EVANS; D. TIEMANN – ABSENT*

November 18, 2008: *APPROVED STAFF RECOMMENDATION WITH THE ENVIRONMENTAL BOARD CONDITIONS AND THE CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS*

*[K. JACKSON; T. RABAGO – 2<sup>ND</sup>] (5-1, D. TIEMANN – NAY); J. GOHIL – ABSENT*

### **ISSUES:**

A revised PUD Land Use Plan was received on February 5, 2009 and distributed for review by the Law Department and the Watershed Protection and Development Review Department. Based on an initial Staff review, some of the notes on the Plan have been altered and additional notes have been provided. Please refer to Exhibits B-1 (PUD Land Use Plan received 2-5-09) and B-2 (Applicant's revisions to the PUD Land Use Plan).

Parks and Recreation Department (PARD) staff does not support the Applicant's request for waivers from the parkland requirements which are to dedicate land to the City or pay fees in lieu (Section 25-4, Article 3, Division 5 and Section 25-4-211(A) (Applicability)). The Applicant proposes to dedicate a minimum of 100 acres of open space in fee simple or conservation easement to the Hill Country Conservancy or any similar entity. The Applicant proposes that such dedication occur on or before 45 days from the issuance by the City of Austin of the first site development permit for vertical development on Tracts 1-5. The Applicant would like to discuss the recommendation of PARD.

The Oak Hill Association of Neighborhoods (OHAN) has provided a resolution in support of Wildflower Commons, and the adjacent property owners to the west have provided a letter of support. Please refer to attached correspondence located at the back of the Staff report.

### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of five tracts of undeveloped land located south and east of the MoPac and SH 45 intersection. The northern part of the rezoning area is zoned general office (GO) district zoning and the remainder is zoned single family residence standard lot (SF-2) district. The proposed PUD is bounded by undeveloped land to the west (County), undeveloped land (GR-CO and County) within the Circle C Ranch subdivision to the north, and undeveloped land (County) on the east and south. Please refer to Exhibits A (Vicinity Map), A-1 (Zoning Map) and A-2 (Aerial View).

The Applicant is requesting planned unit development (PUD) district zoning for a mixed use project to be known as Wildflower Commons that may be developed with up to 550 residential condo/townhomes; 124,000 square feet of general office; 100,000 square feet of supermarket, 360,000 square feet of shopping center and 40,000 square feet of high turnover restaurant. Development is proposed to occur on the southwest side of SH 45, while the northeast side of SH 45 is proposed for open space purposes, to be transferred to the Hill

Country Conservancy for their Walk-for-a-Day program or a similar entity. Approximately 51 acres on the southwest side of SH 45 within the Bear Creek watershed is proposed to remain as open space within a conservation easement. Please refer to Exhibit B (PUD Land Use Plan).

The property is located over the Edwards Aquifer Recharge Zone and is subject to the Bradley Settlement Agreement. Although the Bradley Agreement allows for 18% impervious cover (45.607 acres), the Applicant has proposed at 15% impervious cover based on net site area (approximately 37.99 acres). There are six modifications requested to the environmental requirements and one transportation related request, as summarized below:

**1. Modification of LDC 25-8-262(B)(3)(b) (Critical Water Quality Zone Street Crossings)**

The Applicant is requesting to remove this requirement to allow one waterway crossing on Tract 1 to provide safe access that otherwise would not be possible.

**2. Modification of LDC 25-8-341 (Cut Requirements)**

The Applicant is requesting a modification to allow cuts up to 10 feet associated with the water quality and detention facilities, and up to 15 feet for areas associated roadways, parking areas, driveways, and other site development.

**3. Modification of LDC 25-8-342 (Fill Requirements)**

The Applicant is requesting a modification to allow fill up to 10' associated with the water quality and detention facilities, and up to 15' for areas associated roadways, parking areas, driveways, and other site development.

**4. Modification of LDC 25-8-482 (Critical Water Quality Zone)**

The Applicant is requesting a modification to allow a driveway or roadway into Tract 1.

**5. Modification of LDC 25-8-483(A)(1) (Water Quality Transition Zone)**

The Applicant is requesting a modification to allow one driveway or roadway into Tract 1.

**6. Modification of LDC 25-1-21(98) (Definitions)**

The Applicant is requesting to redefine site to include all tracts, including those separated by a public street or right-of-way. For the purposes of calculating impervious cover, the definition of Site includes all tracts (1-5).

**7. Modification of LDC 25-4-157(B) (Subdivision Access Streets)**

The Applicant is requesting a modification to provide only one access to an external street. The access will be constructed with a minimum 50-foot wide cross-section with two inbound and two outbound lanes.

*Staff recommendation and conditions:*

Staff recommends PUD zoning based on the following factors that make this project superior:

- Transfers 7.621 acres of available impervious cover to the Hill Country Conservancy or similar entity, to be used for a trail and associated improvements;
- Dedication of a minimum of 100 acres of open space as a conservation easement, or fee simple for conservation purposes;
- Prohibits development within the Bear Creek Watershed;
- Prohibits development on Tracts 2 and 4;
- Reduces the maximum construction envelope from 257.778 acres to 157.778 acres;
- Prohibits development upstream of all CEFs with the exception of one solution cavity - solution fracture, WC021;
- Provides a water quality conservation pond that captures 1.98 acre feet above the required water quality volume;
- Provides structural containment for areas of cut and fill where feasible;
- Adopts the Exterior Light Pollution Reduction techniques consistent with that approved for Southwest Marketplace (Costco and Lifetime Fitness – Forum PUD). These techniques involve design and implementation of interior and exterior lighting so that no direct-beam illumination leaves the building site;
- Adopts the Landscape and Exterior Design / Heat Island Reduction requirements consistent with that approved for Southwest Marketplace (Costco and Lifetime Fitness – Forum PUD); Available shading options include: additional plantings, using light colored materials on non-roof impervious surfaces, providing underground parking or using pervious pavement where soils are four feet or greater in depth. Available heat island reduction options include using energy efficient or vegetated roofing materials, and conducting a life cycle cost analysis for the use of concrete for all non-pervious paved parking and roadway surfaces;
- Provides 2-star Austin Energy Green Building Standards or equivalent LEED rating (as the subject properties are not within the Austin Energy service area); and
- Adopts any revised erosion and sedimentation control standards in the Environmental Criteria Manual (ECM) enacted between the effective date of the zoning ordinance and the date the Owner files an application for a site development permit. However, if the site development permit application is made prior to revisions of these standards in ECM are enacted, then the Owner will be required to have the erosion and sedimentation control plan approved by Environmental Resource Management Staff.

The proposed PUD clusters residential, office and commercial services, provides additional environmental benefits, incorporates a significant amount of open space, and is located at the intersection of two arterial roadways.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2; GO	Undeveloped
<i>North</i>	County; GO-MU-CO; GR-CO	Undeveloped; MoPac/SH45 interchange
<i>South</i>	County	Undeveloped
<i>East</i>	County; SF-2	Undeveloped
<i>West</i>	County	Undeveloped

**AREA STUDY:** N/A**TIA:** Is required – Please refer to Attachment B**WATERSHEDS:** Bear Creek; Slaughter Creek **DESIRED DEVELOPMENT ZONE:** No  
– Barton Springs Zone – Recharge Zone**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** Yes,  
MoPac Expressway**NEIGHBORHOOD ORGANIZATIONS:**

217 – Tanglewood Forest Neighborhood Association  
 298 – Oak Hill Association of Neighborhoods (OHAN)  
 384 – Save Barton Creek Association      427 – Circle C Homeowners Association  
 428 – Barton Springs/Edwards Aquifer Conservation District  
 627 – Onion Creek Homeowners Association      705 – OHAN 78735  
 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin  
 943 – Save Our Springs Alliance      959 – Villages Neighborhood Association  
 967 – Circle C Neighborhood Association  
 1037 – Homeless Neighborhood Organization      1113 – Austin Parks Foundation

**SCHOOLS:**

Kiker Elementary School      Bailey Middle School      Bowie High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-00-2035 – City of Austin – Bradley Parties – generally known as Circle C Ranch, Pfluger Ranch and Spillar Ranch	I-RR to various zoning districts	To Grant as Staff recommended on all tracts except Tracts 13, 14A, 14B and 18	Approved RR for Tracts 3, 8D, 19; SF-2 for Tracts 1, 2A, 2B, 5, 6, 7, 8A, 8C, 9, 10, 12A, 12B, 15, 16A and 16B; LO-CO for Tract 4; GO for Tracts 14A

			and 14B, <b>LR-CO</b> for Tract 11A; <b>GR-CO</b> for Tracts 8B and 13; <b>GR-MU-CO</b> for 11B; <b>SF-2, SF-4A, CR</b> and <b>CS-1</b> for Tract 18( (3-23-00).
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**RELATED CASES:**

The GO zoned portions of the property were annexed into the full purpose City limits on December 17, 1997. The SF-2 portions of the property were annexed into the limited purpose City jurisdiction on April 3, 2000. There are no related subdivision or site plan cases on the subject property.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
South MoPac Expressway (Loop 1)	Varies from 200 – 450 feet	2 lanes each way	4 lane major divided arterial roadway (12,700 vpd – by TXDOT in 2005)	No	Priority 2, Route 434	No
SH 45	Varies from 400 – 700 feet	2 lanes each way	4 lane major divided arterial roadway (5,100 vpd – by TXDOT in 2005)	No	Priority 2, Route 440	No

**CITY COUNCIL DATE:** December 18, 2008

**ACTION:** Approved a Postponement request by the S.O.S. Alliance to January 15, 2009 (6-0, McCracken off the dais).

January 15, 2009

Approved a Postponement request by the Applicant to January 29, 2009 (6-0, Martinez – off the dais).

January 29, 2009

Postponed by Council to February 12, 2009 (7-0).

February 12, 2009

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@ci.austin.tx.us](mailto:wendy.rhoades@ci.austin.tx.us)

**PHONE:** 974-7719

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant planned unit development (PUD) district zoning with the conditions of the Environmental Board Motion 101508-3A, as shown in Attachment A; incorporating the Exterior Light Pollution Reduction Techniques, Exterior Design / Heat Island Reduction Requirements as illustrated in Attachment C; and as shown in the PUD Land Use Plan provided in Exhibit B.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated October 15, 2008, as provided in Attachment B.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The Planned Unit Development (PUD) zoning district is intended for large or complex developments under unified control, planned as a single contiguous project. The PUD is intended to allow single or multi-use projects within its boundaries and provides greater design flexibility for development proposed within the PUD. Use of the PUD district should result in development superior to that which would occur using conventional zoning and subdivision regulations. PUD zoning is appropriate if the development enhances preservation of the natural environment; encourages high quality development and innovative design; and ensures adequate public facilities and services for development within the PUD.

*2. Zoning changes should result in a balance of land uses, provides an orderly and compatible relationship among land uses and incorporates environmental protection measures.*

Staff recommends PUD zoning based on the following factors that make this project superior:

- Transfers 7.621 acres of available impervious cover to the Hill Country Conservancy or similar entity, to be used for a trail and associated improvements;
- Dedication of a minimum of 100 acres of open space as a conservation easement, or fee simple for conservation purposes;
- Prohibits development within the Bear Creek Watershed;
- Prohibits development on Tracts 2 and 4;
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- Provides 2-star Austin Energy Green Building Standards or equivalent LEED rating (as the subject properties are not within the Austin Energy service area); and
- Adopts any revised erosion and sedimentation control standards in the Environmental Criteria Manual (ECM) enacted between the effective date of the zoning ordinance and the date the Owner files an application for a site development permit. However, if the site development permit application is made prior to revisions of these standards in ECM are enacted, then the Owner will be required to have the erosion and sedimentation control plan approved by Environmental Resource Management Staff.

The proposed PUD clusters residential, office and commercial services, provides additional environmental benefits, incorporates a significant amount of open space, and is located at the intersection of two arterial roadways.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject property is undeveloped with vegetation characterized as wooded and open rangeland. The 100-year floodplain, critical water quality zones (CWQZ – 4.54 acres) and water quality transition zones (WQTZ – 7.90 acres) are located at the north sides of Tracts 1 and 2. There is a watershed divide located at the southeast corner of Tracts 3 and 5; the majority of the project area slopes to the northeast towards Slaughter Creek, and a portion slopes to the southwest towards Bear Creek. All slopes are less than 15 percent. There are critical environmental features located on the property including sinkholes, solution cavities, closed depressions, caves, solution cavity-solution fractures, and a sink hole and wetland.

### **Impervious Cover**

The impervious cover is proposed at 15% net site area, which is approximately 37.99 acres of impervious cover. The Applicant is allocated approximately 45.61 acres of impervious cover per the Bradley Agreement.

### **Environmental**

Please refer to Attachment A.

**Transportation**

Please refer to Attachment B.

**Water and Wastewater**

The landowner intends to serve each lot with City of Austin water and wastewater utility service. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, and system upgrades to serve each lot.

The landowner's engineer must provide a construction cost estimate that includes the water and wastewater utility improvements, offsite main extension, and system upgrades. The landowner must pay the Subdivision Engineering Review Fee and a note must be on the plat making the landowner responsible for providing the subdivision information, including the water and wastewater utility improvements, offsite main extension, and system upgrades.

No lot will be occupied until the structure is connected to the City of Austin water and wastewater utility system.

The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

The water and wastewater utility system serving this subdivision must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The water and wastewater utility construction must be inspected by the City. The landowner must pay the City inspection fee with the utility construction.

**Electric**

This area is not in Austin Energy's service territory. Pedernales Electric Cooperative, Inc. is the electric provider for this area.

**Subdivision**

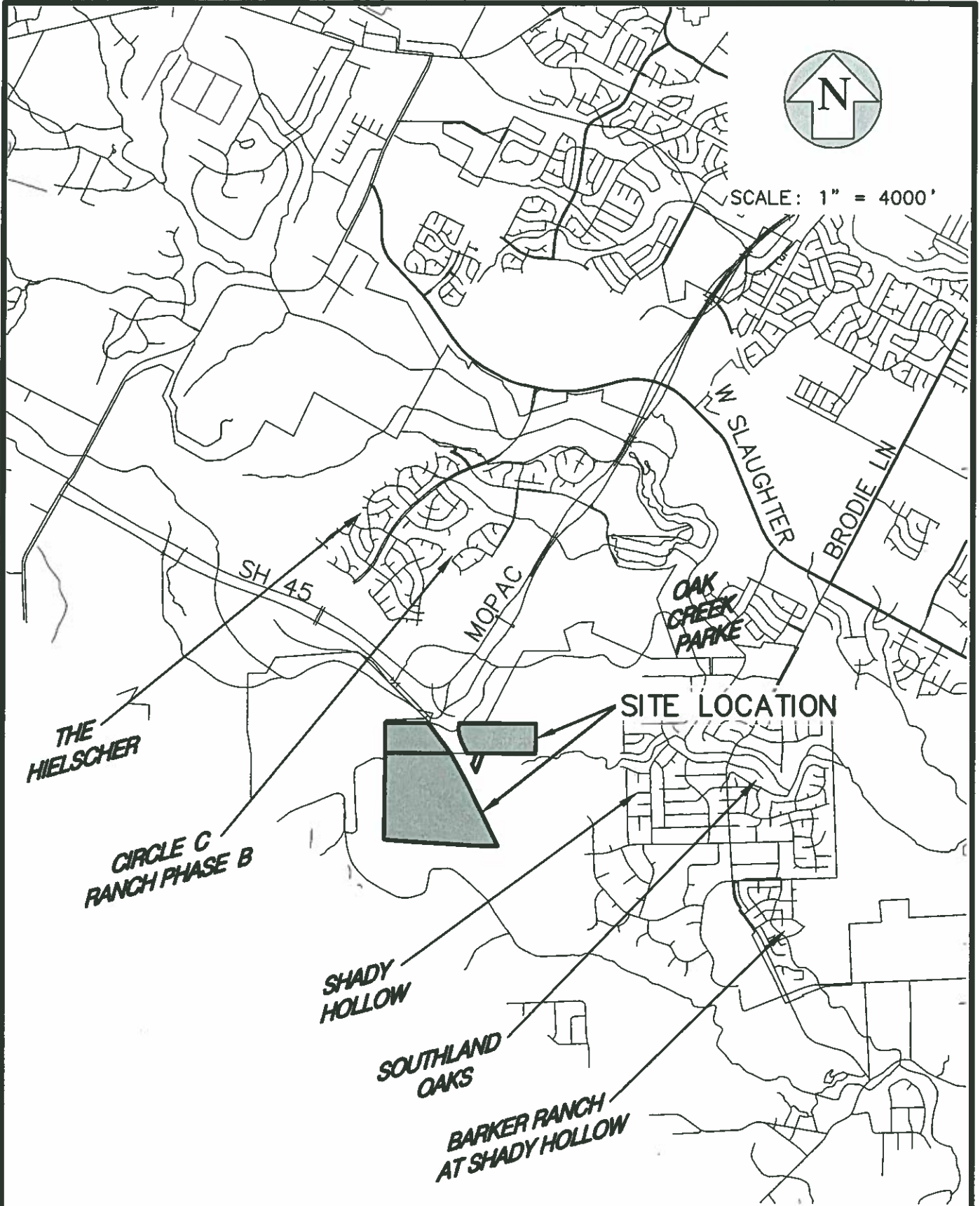
Applications for subdivision preliminary plan(s) and final subdivision plat(s) will be need to be approved prior to approval of any site plan or issuance of any development permit.

**Site Plan and Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential.

This site is in the Scenic Roadway Sign District. All commercial signage must meet the criteria for Scenic Roadway signs, as found in 25-10-124 of the Land Development Code.

The proposed development does not trigger the application of compatibility standards.



PROJECT	DATE	BY
DESIGN: O.G.		
DRAWING: R.S.		
CHECKED: O.G.		
DATE: 7-11-07		
FIELD NOTES:		
FIELD BOOKS:		
SHEET: 1 OF 1		

PROJECT	DATE	BY
WILDFLOWER COMMONS		
EXHIBIT		
VICINITY MAP		

**PATE ENGINEERS**

HOUSTON • DALLAS • AUSTIN • FORT WORTH  
 ARLINGTON • SAN ANTONIO




THIS OFFICE: 200 VERMONT AVE., SUITE 200, FORT WORTH, TEXAS 76102

TEL: (817) 340-0808  
 FAX: (817) 340-0804  
 WWW.PATE-ENR.COM

EXHIBIT A



1" = 800'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR: S. MEEKS

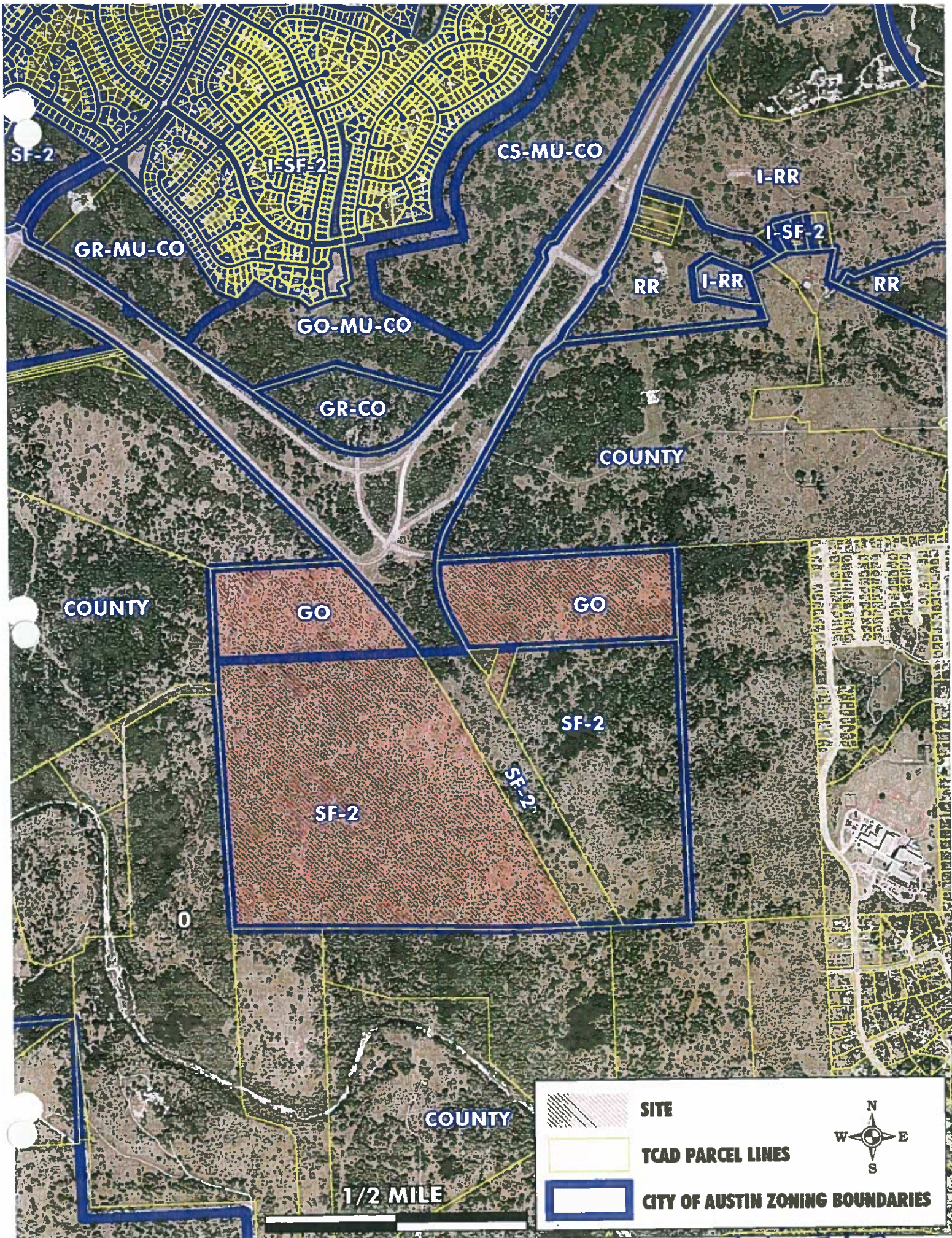
#### ZONING

ZONING CASE#: C814-06-0233  
 ADDRESS: 4700-5200 BLK SH 45  
 SUBJECT AREA: 265.678 ACRES  
 GRID: B13 & B14  
 MANAGER: W. RHOADES




*Exhibit A-1*



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**LEGEND**

-  **SITE**
-  **TCAD PARCEL LINES**
-  **CITY OF AUSTIN ZONING BOUNDARIES**




EXHIBIT A-2



**THE WAY  
UP IS**

[illegible][illegible]

IMPROVED COST ALLOWED PERMITTED TO EXCEED ESTABLISHED AGREEMENT - \$3,807 AC. (10.01%)  
 IMPROVED COST ALLOWED PERMITTED TO EXCEED 20.00% AT (14.00%)

NOTE: THE CALCULATION OF IMPROVED COST WHEN ADJACENT PROPERTIES REQUESTED PERMITMENT TO SECTION 25-8-03 OF THE AUSTIN CITY CODE RESULTS IN NO ALLOCATION OF IMPROVEMENT COST FROM THOSE ADJACENT PROPERTIES TO ANY OF TRACTS 1-5.

NOTE - THE REMAINING 7.831 AC OF APPLICABLE COVER PERMITTED UNDER THE SINGLE DEVELOPMENT AGREEMENT SHALL BE TRANSFERRED BY SEPARATE INSTRUMENT TO THE MILL COUNTRY CONDOMINIUM OR A SIMILAR ENTITY FOR USE AS HOUSING APPROVED BY THE CITY OF AUSTIN FOR PARK AND RECREATIONAL PURPOSES.

LEGEND

OPEN SPACE

CONSTRUCTION ENVELOPE

CITY LIMITS BOUNDARY

SITE ACCESS POINTS

BOUNDARY DATA PROVIDED BY  
CAPITAL SURVEYING COMPANY INCORPORATED  
SOURCE OF TOPOGRAPHIC DATA:  
CITY OF AUSTIN CRE 7 FOOT TOPOG.  
LARGEST FEATURES BASED ON COORDINATES PROVIDED IN  
EVALUATION COMMENTS: PROJECT INTERSECTION, SOUTHERN  
RIVERSIDE, AUSTIN, TEXAS, CITY OF AUSTIN, SEPTEMBER 2, 2005.  
AS SUPPLEMENTED BY AERIAL PHOTOGRAPHY, ON-THE-GROUND INVESTIGATIONS  
AND FIELD CONSULTING AND THE CITY OF AUSTIN

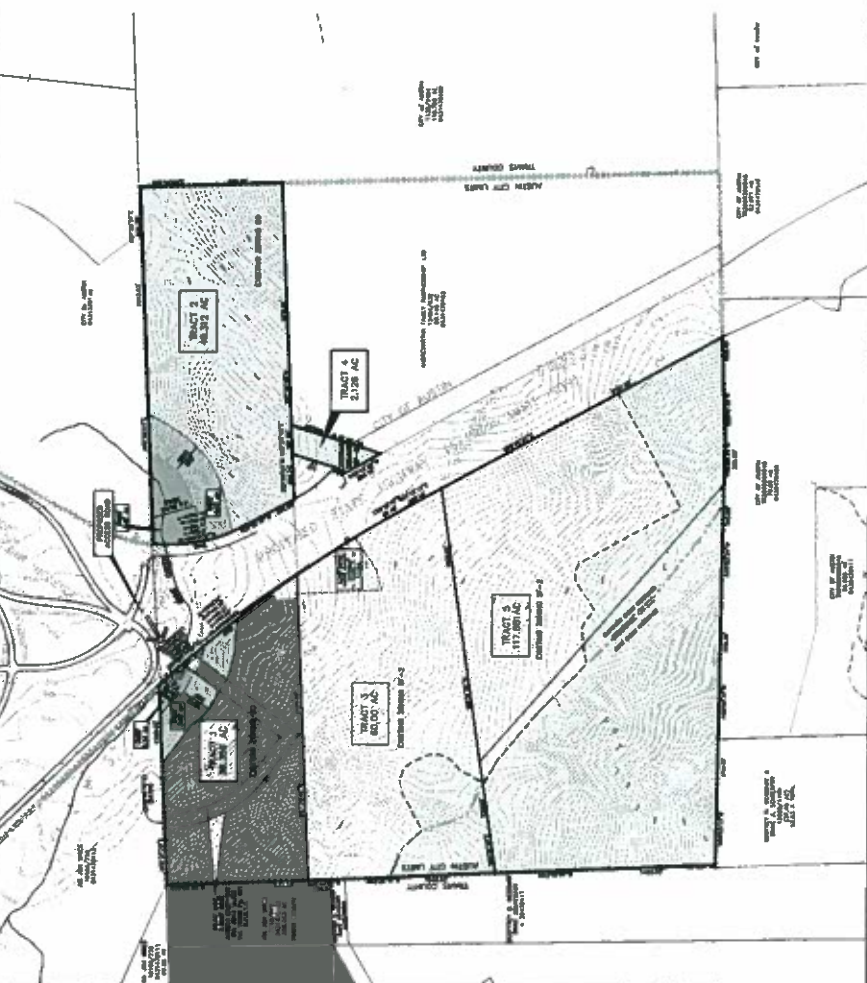
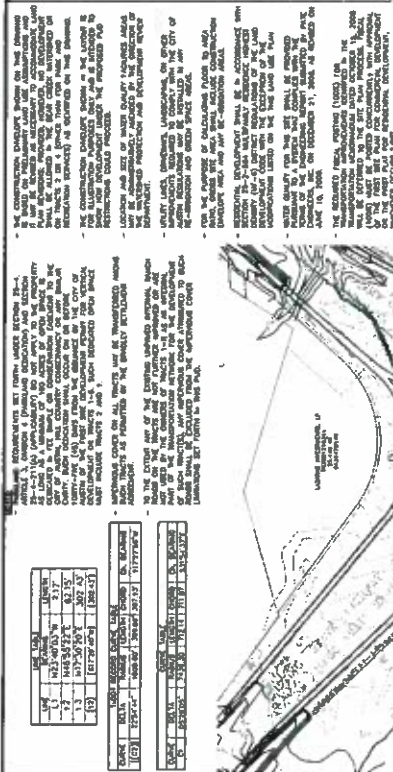
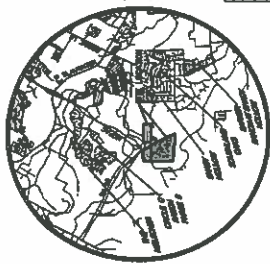


EXHIBIT B  
AND USE PLAN



USE TABLE	
USE	10250
1	123.40/0.3 W
2	148.95/2.2 E
3	119.50/3.0 E
(4)	151.20/4.0 W

DATE	01/01/2000	TIME	12:00
NAME	JOHN DOE	ADDRESS	12345 MAIN ST
CITY	ANYTOWN	STATE	CA
ZIP	90210	PHONE	(415) 555-1234
EMAIL	JOHN.DOE@EXAMPLE.COM	STATUS	ACTIVE

[illegible][illegible][illegible]

NOTE - THE REMAINDER 7.821 AC OF IMPERVIOUS COVER MOUNTED UNDER THE BROADLY DEVELOPMENT AGREEMENT SHALL BE TRANSFERRED BY SPANISH INSTRUMENT TO THE ALL COUNTRY CONSOLIDITY FOR A SIMILAR DUTY FOR USE AS HEREAFTER APPROVED BY THE CITY OF AUSTIN FOR PARK AND RECREATIONAL PURPOSES. SUCH TRANSFERRED SHALL BE MADE CONJUNCTLY WITH THE DECISION OF OPEN IS

BOUNDARY DATA PROVIDED BY  
CAPITAL SURVEYING COMPANY INCORPORATED.  
SOURCE OF TOPOGRAPHIC DATA:  
CITY OF ALBUQUERQUE 3 FOOT TOPOG.  
MAPS FEATURES BASED ON CORROBORATED PROVIDED IN  
RELATION TO CONCRETE PROJECT INTER-DEPARTMENTAL  
STUDY OF A LARGE SCALE CITY PLANNING, FEBRUARY 2, 2000.  
AS SUPPLEMENTED BY AERIALS, ON-THE-GROUND INVESTIGATIONS  
BY A/C COMBING AND THE CITY OF ALBUQUERQUE.

**Labels**

OPEN SPACE

CONSTRUCTION ENVELOPE

CITY LIMITS BOUNDARY

WATER ACCESS POINTS

**SOME APPLICATIONS AND SYMPOSIUMS**

1) **Voyagers to Saturn 25-34-35 (DS099)** The *Land* is a 1000-page book that contains information on the Saturn system, including a chapter on Saturn and a chapter on Saturn's rings. The book is written for a general audience and is suitable for use in a classroom setting. The book is written by a team of scientists and is a valuable resource for students and teachers alike.

2) **Voyagers to Saturn 25-34-35 (DS099)** The *Land* is a 1000-page book that contains information on the Saturn system, including a chapter on Saturn and a chapter on Saturn's rings. The book is written for a general audience and is suitable for use in a classroom setting. The book is written by a team of scientists and is a valuable resource for students and teachers alike.

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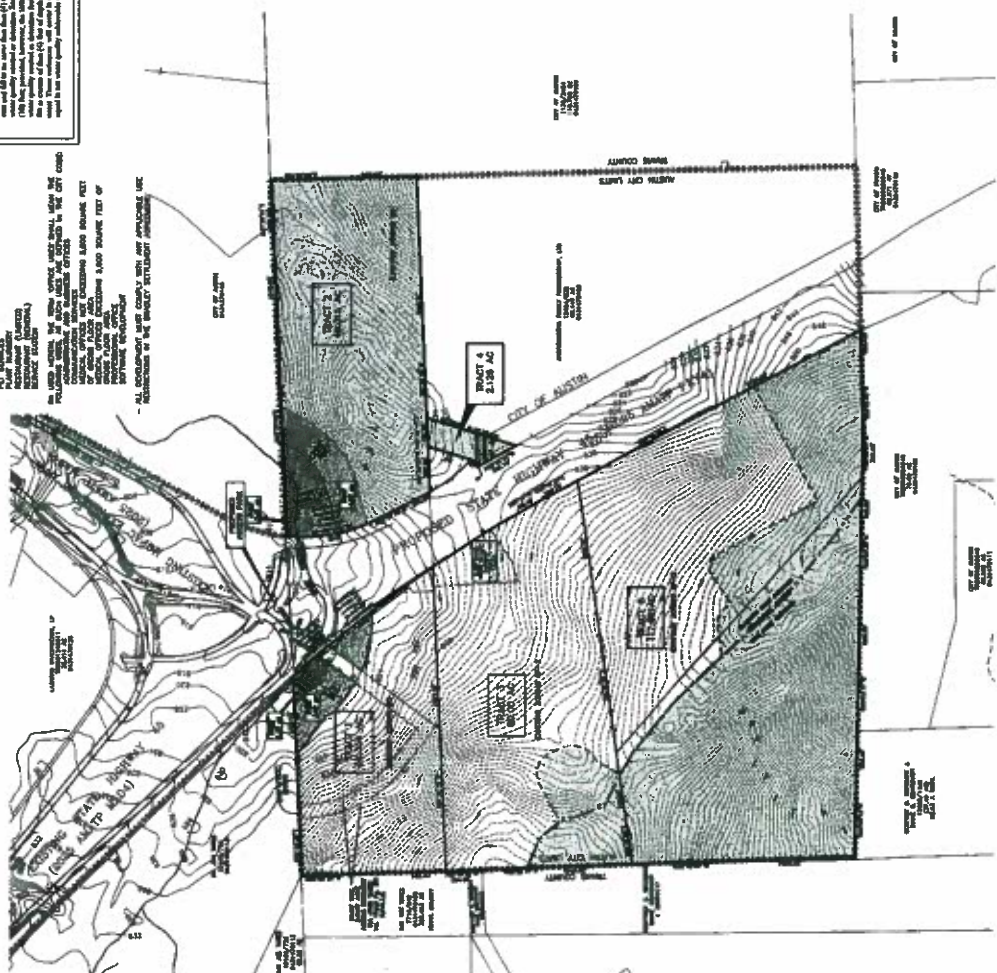
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EXHIBIT B-1  
PUD LAND USE PLAN (REC'D 2.5.09)

**Wildflower Commons**

**Revisions to the PUD Land Use Plan**

**February 5, 2009**

1. Under Code Modifications and Variance letter (C) "If the total areas utilized for cut and fill in excess of four (4) feet in depth for roadways, parking, driveways or site development connection purposes is greater than two (2) acres, a variance under sections 25-8-341(A)(2) and 25-8-342(A)(2) shall be required." was added.
2. On letter D under Code Modifications and Variances "; provided, however, the total amount of area used for water quality control or detention facilities that contains cut and fill in excess of (4) feet of depth shall be limited to three (3) acres" was added.
3. A new note was added that reads:

The following density restrictions shall apply to development on the designated tracts:

1. No more than 50,000 square feet of "Retail Uses", as defined below, may be developed on Tract 1;
2. No more than 150,000 square feet of "Retail Uses", as defined below, may be developed on Tract 3;
3. No more than 150,000 square feet of "Retail Uses", as defined below, may be developed on Tract 5;
4. No more than a total of 250,000 square feet of "Office Uses", as defined below, may be developed on all of the Tracts; and
5. No more than a total of 550 attached condominium units may be developed on all of the Tracts.

As used herein, the term "Retail Uses" shall mean the following uses, as such uses are defined in the City Code:

Art Gallery  
Art Workshop  
Automotive Repair Services  
Automotive Washing  
Consumer Convenience Services  
Consumer Repair Services  
Financial Services  
Food Sales  
General Retail Sales (Convenience)  
General Retail Sales (General)  
Indoor Sports and Recreation  
Personal Improvement Services  
Personal Services  
Pet Services  
Plant Nursery  
Restaurant (Limited)

**EXHIBIT B-2**  
**APPLICANT'S REVISIONS TO THE PUD LAND USE PLAN**

Restaurant (General)

Service Station

As used herein, the term "Office Uses" shall mean the following uses, as such uses are defined in the City Code:

Administrative and Business Offices

Communication Services

Medical Offices not exceeding 5,000 square feet of gross floor area

Medical Offices exceeding 5,000 square feet of gross floor area

Software Development

Professional Office

4. A new note was added that reads: "All development must comply with any applicable use restrictions in the Bradley Settlement Agreement."
5. A new note was added that reads: No "Major Employer", as defined in the Bradley Settlement Agreement" may ever lease or occupy all or any portion of an office building located on any portion of any of the tracts.
6. On the first note on the 2<sup>nd</sup> column the portion of the note that read "the construction envelope shown on the drawing is based on preliminary land use assumptions and plan revision; provided, however" as removed.
7. The note that began with "The construction envelope shown on this drawing is based on preliminary land use assumptions and may be revised if necessary to accommodate land plan revisions" was revised to read "The construction envelope may be modified as long as such modifications are consistent with the restrictions contained herein"
8. On the code modification and Variances chart all of the "intro's" that begin with "in accordance with section 25-8-41 and the Land Development Code were removed.
9. In the Code Modification table letter G(1) was revised to remove "and 25-8-519 (Construction of Ordinance)".
10. On the Land Use table, "Multifamily residential (attached condominium residential use shall be allowed)" and "Townhouse residential" were added to the Additional Prohibited Uses column under Tracts 1, 3 and 5.
11. A new sentence was added that reads "Such transfers shall be made concurrently with the dedication of open space required herein." was added to the note detailing impervious cover in Bradley.
12. The note that reads "Residential development shall be in accordance with section 25-2-564" was deleted
13. On the Land Use table that details the tracts. Under the Site Development Modification Column the regulations in tracts 1, 3 and 5 were revised to be bullet points and say:
  1. Chapter 25-2, Subchapter E, Article 4, Section 4.2.1(D)(6)(c) does not apply.
  2. Maximum height of 60' includes residential uses.

Explanation – This section of the Code includes "site area" requirements for GR-MU zoning. This section of the Code regulates density on a residential site. The PUD includes a restriction on the number of units to 550, so there is no need for an additional density regulation in the PUD

C3



**ENVIRONMENTAL BOARD MOTION 101508-3a**

October 15, 2008

Subject: Wildflower Commons PUD C814-06-0233

Motioned By: Phil Moncada

Seconded by: Rodney Ahart

**Recommendation**

**The Environmental Board recommends conditional approval of the following exceptions for the Wildflower Commons PUD C814-06-0233**

- 1) LDC 25-8-65 (Roadways) to not account for the roadway deduction;
- 2) LDC 25-8-262(B)(3)(b) (Critical Water Quality Zone Street Crossings) to allow one crossing;
- 3) LDC 25-8-341 (Cut Requirements) per cut/fill exhibit;
- 4) LDC 25-8-342 (Fill Requirements) per cut/fill exhibit;
- 5) LDC 25-8-482 (Critical Water Quality Zone) to allow one driveway or roadway;
- 6) LDC 25-8-483(A)(1) (Water Quality Transition Zone) to allow one driveway or roadway;
- 7) LDC 25-1-21(98) (Definitions) to revise the definition of "site" to allow the tract to be reviewed as one "site" although the tract is crossed by a public street.;
- 8) LDC 25-8-519 (Construction of Ordinance) to allow this application to use the revised definition of "site"; and
- 9) LDC 25-4-157(B) (Subdivision Access Streets) to provide only one access to an external street.

The land in the PUD is within the area known as the Barton Springs Zone in which the City's Save Our Springs (SOS) ordinance applies. Application of City ordinances to development of the land is affected by the "Settlement Agreement by and Between the City of Austin and the Bradley Parties" (commonly known as the Bradley Agreement) that ended litigation over development of the land in 2000. This requires a site-specific amendment of SOS (specifically, City Code section 25-8-519) to alter the definition of "site". PUD zoning may also modify City ordinances applicable to development of the land. Watershed: Slaughter Creek and Bear Creek Watersheds (Barton Springs Zone) Drinking Water Protection Zone. Gross site area: 265.68 acres

ATTACHMENT A

**STAFF CONDITIONS:**

1. Stabilize cut/fill using terracing or structural containment where feasible;
2. Transfer 7.621 acres of available impervious cover to the Hill Country Conservancy or similar entity;
3. Dedicate a minimum of 100 acres of open space as a conservation easement or fee simple for conservation purposes;
4. Prohibit development within the Bear Creek Watershed;
5. Prohibit development on Tracts 2 and 4;
6. Reduce the maximum construction envelope from 257.778 acres to 157.778 acres;
7. Prohibit development upstream of all CEFs with the exception of one solution cavity - solution fracture, WC021;
8. Provide a water quality conservation pond that captures 1.98 acre feet in excess of the required water quality volume;
9. Adopts the Exterior Light Pollution Reduction techniques consistent with that approved for Southwest Marketplace (Costco and Lifetime Fitness – Forum PUD, Tract 2 and Parcels F and J). These techniques involve design and implementation of interior and exterior lighting so that no direct-beam illumination leaves the building site;
10. Adopts the Landscape and Exterior Design / Heat Island Reduction requirements consistent with that approved for Southwest Marketplace (Costco and Lifetime Fitness – Forum PUD, Tract 2 and Parcels F and J). Available shading options include: additional plantings, using light colored materials on non-roof impervious surfaces, providing underground parking or using pervious pavement where soils are four feet or greater in depth. Available heat island reduction options include using energy efficient or vegetated roofing materials, and conducting a life cycle cost analysis for the use of concrete for all non-pervious paved parking and roadway surfaces; and
11. Provide 2-star Austin Energy Green Building Standards or equivalent LEED rating (as the subject properties are not within the Austin Energy service area).
12. Adopt any revised Erosion and sedimentation standards in ECM enacted between the effective date of zoning ordinance and date owner files an application for site development permit; or if site development permit applied for prior to revisions to erosion and sedimentation standards in ECM enacted between effective date of zoning ordinance, owner will be required to have ESC plan approved by ERM staff.

**BOARD CONDITIONS:**

1. Provide screening along proposed SH 45 outside Texas Department of Transportation right-of-way on the west side along the construction envelope.
2. Remove secondary access PUD note Remove PUD note regarding additional permitted land uses, cocktail lounge, liquor sales, convalescent services.
3. Delete exception to LDC 25-8-65 (Roadways) to not account for roadway deduction.

**4. Applicant will follow recommendations outlined in the Memorandum from Scott Hiers to Patricia Foran dated July 7, 2008. See attachmen**

**TO:** Patrica Foran, Senior Environmental Reviewer  
Watershed Protection and Development Review Department

**FROM:** Scott E. Hiers, P.G., Senior Environmental Scientist  
Watershed Protection and Development Review Department

**DATE:** July 7, 2008

**SUBJECT:** Corrections to ERM's August 22, 2007 memo regarding Critical Environmental Feature setbacks of Wildflower Commons.

As part of the City of Austin's development review process, Environmental Resource Management (ERM) staff reviewed the karst assessment for the Wildflower Commons development site. The site is about 268-acres located in south Austin immediately south of the intersection of Loop 1 and State Highway 45. In late July and early August ERM, Barton Spring Edward Aquifer District and ACI Consulting staff members completed several karst surveys to determine if any karst recharge features might have been missed by an initial karst survey completed by J. Jackson Harper in October 2003.

Our surveys covered about 90 percent of the property. However, a layer of mulch and several brush piles from tree removal and clearing activities impeded our view of the ground in several areas. Although our survey efforts was hampered in some areas, we were able to identify 35 additional recharge features on or within 300-ft of the site. In all, 67 recharge features were identified by Harper's 2003 and the City's 2007 karst assessments. ERM staff has determined that 49 of the 67 features are critical environmental features (48 recharge features and 1 wetland/sinkhole). These features are located on or within 300-ft of the Wildflower Commons site. Table 1 lists all the features identified by both surveys and a corresponding location map (Map 1) is attached.

Based the surface drainage patterns, 2-ft topography, the type of feature, the feature's size and the density (or clustering) of features, ERM staff is recommending protecting the critical environmental features with 19 critical environmental feature setback areas (Labeled A thru S). The attached map shows the location of the setback areas. ERM staff is recommending that the CEFs and their associated setback area (or buffers) are documented within the PUD ordinance along with the following Land Development Code (LDC) requirements from Section 25-8-281.

1. No residential lots may include a CEF or be located within 50 feet of a CEF.
2. Setback areas must be established to protect all CEFs. Although the LDC allows a portion of the CEF buffer to be included in a residential lot, I do not recommend that this be allowed. Residential lots should not include any portion of a CEF buffer. Setbacks must comply with the setback area has stated in Table 1 and shown Map 1. ERM is willing to revise setback areas listed in Table 1 and shown on Map 1 during PUD process, if the applicant provides more detail information to ERM staff such has 1-ft topographic survey that better delineates the catchment areas and a hydrogeologic assessment the features that better evaluates it recharge potential.
3. No disturbance of native vegetation is allowed within the buffer zone. This shall be stated in a section of the PUD ordinance specifically addressing Critical Environmental Feature protection.

4. No construction is allowed within the buffer zone, except for cave gates and educational trails built in compliance with 25-8-281 of the LDC. In the PUD ordinance, this shall be stated as "No construction or placement of structures within a Critical Environmental Feature buffer zone."
5. Stormwater disposal or irrigation is prohibited within a CEF buffer zone and shall be stated in the PUD ordinance.
6. Erosion and sedimentation controls must be installed at the perimeter of all CEF buffers prior to the initiation of construction.

Additional recommendations for CEF protection not explicitly stated in the Land Development Code, Section 25-8-281.

1. All CEFs must be shown on a topographic map (or maps), and listed in a summary table and included on an exhibit (s) in the PUD ordinance. The table must include the identification of the CEF, the type of CEF, and the recommended setback area. All maps must be must have north arrow and reference scale.
2. All CEFs and associated CEF buffers are to be shown on all plats, preliminary plans, site plans and construction plans. The PUD ordinance and the plat notes must have a following statement "all activities within the critical environmental feature setback must comply with Section 25-8-281(c)(2) of Austin's Land Development Code. This section states that the natural vegetative cover must be retained to the maximum extent practicable; construction is prohibited; and wastewater disposal or irrigation is prohibited this requirement."
3. No utilities are allowed within CEF buffers.
4. Fencing is required at the edge of all CEF buffer areas that are within limits of construction. Fencing must be 6 feet in height. Wrought iron or vinyl-coated chain link are acceptable. Access gates with a lockable latch are to be provided for each buffer.
5. Fencing at the edge of CEF buffers must be installed prior to the initiation of construction.
6. Water quality BMPs should not drain directly into CEF setback area. Level spreaders or similar structures must be used to overland sheet flow stormwater before it discharges near CEF setback areas. Stormwater irrigation must occur outside the CEF setback areas.
7. An IPM plan should being prepared for Wildflower Commons PUD.

Suggestions for alternative CEF protection not required by the Land Development Code.

1. An Operation and Maintenance plan is recommended for the long term management of all CEF buffers. The purpose of the CEF buffer is to protect water quality. Trash removal, pet waste pickup and inspections will increase the likelihood that conditions within the buffers are protective of water quality. The long term funding mechanism and the responsible management entities throughout the construction and post-construction phases should be identified in future submittals.
2. A restrictive covenant granting access to City of Austin staff to all CEF buffers within the Wildflower Commons PUD should be included in the ordinance.

If you have any questions regarding these comments or have additional information, please contact me at 974-1916.



Scott E. Hiers, P.G., Environmental Scientist  
Watershed Protection and Development Review Department

SH :

Attachment

cc: David Johns, City of Austin  
Wendy Welsh, City of Austin  
Stan Reece, ACI Consulting

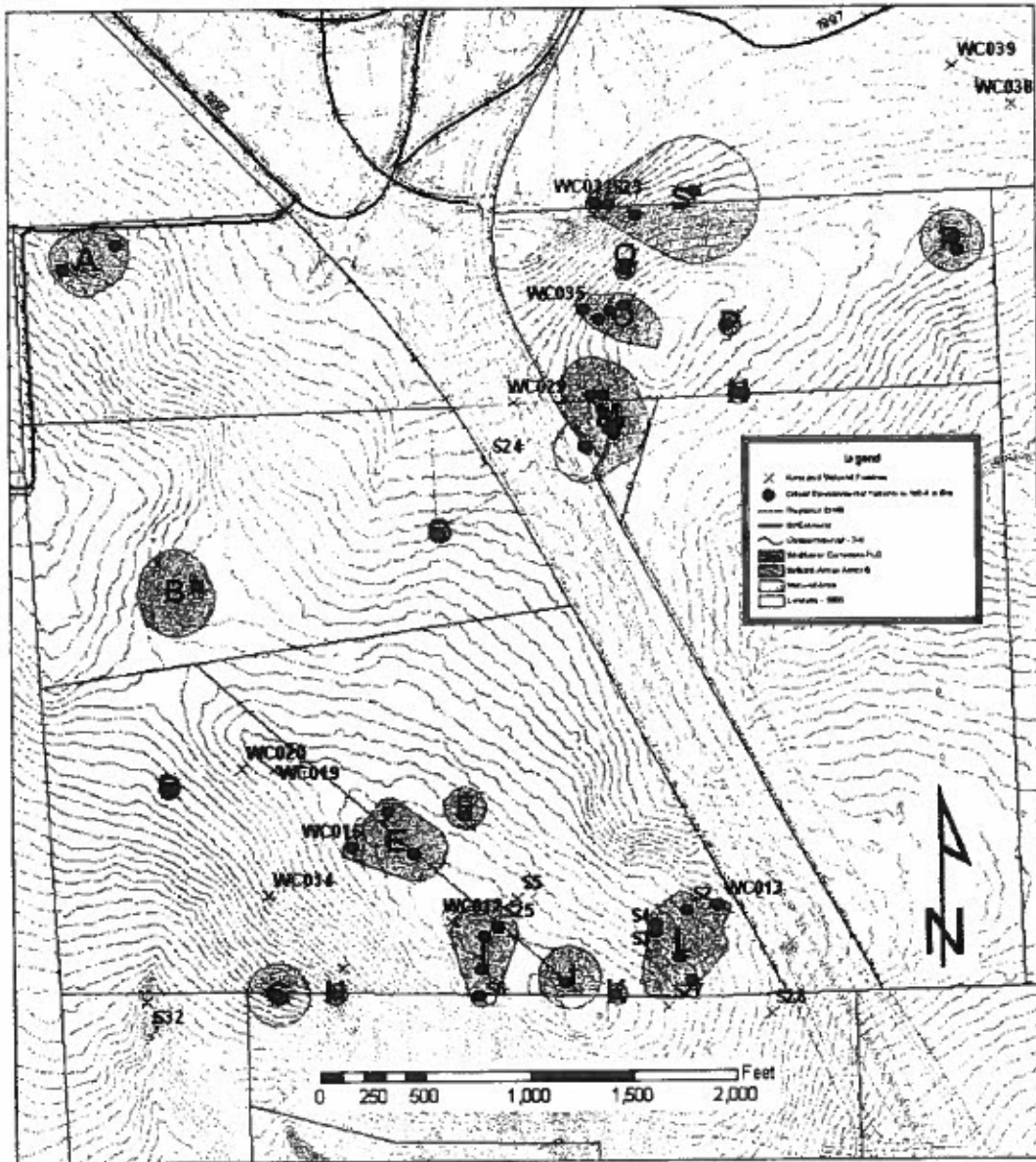
Table 1: GPS locations and corresponding CEF setback area

Id	Comments	X	Y	FEATURE	TYPE	Setback Area
1	Sinkhole	3070564.32	10031308.78	S1	SH	L
2	Sinkhole	3070644.19	10031700.86	S2	SH	L
3	Solution Cavity	3070500.07	10031634.03	S3	SC	L
4	Karst Depression	3070498.05	10031596.55	S4	CD	L
5	Karst Depression	3069823.00	10031757.14	S5	CD	
6	Sinkhole	3069644.06	10031290.42	S6	SH	I
7	Solution Cavity	3068952.24	10031305.05	S7	SC	H
8	Sinkhole	3067680.52	10034787.20	S8	SH	A
9	Solution Cavity	3068164.23	10032302.65	S9	SH	D
10	Sinkhole	3068680.75	10031303.15	S10	SH	G
11	Wetland/Sinkhole	3068319.34	10033210.07	S11	W-S	B
12	Sinkhole	3070281.20	10034009.00	S12	SH	M
13	Sinkhole	3070310.00	10033994.00	S13	SH	M
14	Solution Cavity	3070316.50	10033983.60	S14	SC	M
15	Sinkhole	3070327.70	10034022.40	S15	SH	M
16	Sinkhole	3070342.60	10034039.20	S16	SH	M
17	Cave	3070278.28	10034171.25	S17	C	M
18	Sinkhole	3070244.42	10034537.02	S18	SH	O
19	Cave	3071970.00	10034900.00	S19	C	R
20	Sinkhole	3070380.00	10034800.00	S20	SH	Q
21	Solution Cavity	3070919.85	10034172.71	S21	SC	
22	Solution Cavity	3070434.72	10035029.90	S22	SC	
23	Sinkhole	3070300.92	10035084.00	S23	SH	
24	Solution Cavity	3069699.78	10033850.50	S24	SC	
25	Sinkhole	3069730.39	10031622.05	S25	SH	I
26	Sinkhole	3069650.00	10031400.00	S26	SH	I
27	Sinkhole	3070550.00	10031251.00	S27	SH	
28	Karst Depression	3071050.00	10031200.00	S28	CD	
29	Sinkhole	3071137.00	10031512.00	S31	SH	S
30	Sinkhole	3068045.27	10031249.09	S32	SH	S
31	Sinkhole	3069696.00	10031559.00	S33	SH	I
32	Solution Cavity	3070710.00	10031910.00	S34	SC	
33	Karst Depression	3070740.00	10031769.00	S35	CD	
34	SC	3070760.00	10031512.00	S36	SC	L
35	Karst Depression	3070450.00	10031461.00	S37	CD	L
Id	Comments	X	Y	FEATURE	TYPE	Setback Area
36	Sinkhole	3070479.97	10032979.98	WC003	SH	
37	Sinkhole	3070300.00	10031300.00	WC005	SH	K
38	Sinkhole	3070050.00	10031400.00	WC007	SH	J

39	Cave	3070670.00	10031400.00	WC008	C	L
40	Other	3068990.00	10031400.00	WC009	O	
41	Solution Cavity	3070610.00	10031500.00	WC010	SC	L
42	Solution Cavity	3069670.00	10031600.00	WC011	SC	I
43	Solution Cavity	3069510.00	10031600.00	WC012	SC	I
44	Sinkhole	3070800.00	10031700.00	WC013	SH	L
45	Other	3068640.00	10031800.00	WC014	O	
46	Cave	3069340.00	10032000.00	WC015	C	E
47	Solution Cavity	3069040.00	10032000.00	WC016	SC	E
48	Cave	3069580.00	10032200.00	WC017	C	F
49	Solution Cavity/Frac	3069210.00	10032200.00	WC018	SC-SF	E
50	Solution Cavity	3068670.00	10032400.00	WC019	SC	
51	Solution Cavity/Frac	3068520.00	10032400.00	WC020	SC-SF	
52	Solution Cavity/Frac	3069470.00	10033500.00	WC021	SC-SF	C
53	Sinkhole	3067920.00	10034900.00	WC023	SH	A
54	Karst Depression	3070170.00	10033900.00	WC027	CD	M
55	Karst Depression	3070210.00	10034200.00	WC028	CD	M
56	Other	3069830.00	10034100.00	WC029	O	
57	Cave	3070230.00	10035100.00	WC031	C	S
58	Cave	3070720.00	10035100.00	WC032	C	S
59	Karst Depression	3070260.00	10034100.00	WC033	CD	M
60	Solution Cavity/Frac.	3070880.00	10034500.00	WC034	SC-SF	P
61	Solution Cavity	3070180.00	10034600.00	WC035	SC	O
62	Solution Cavity	3070300.00	10034600.00	WC036	SC	O
63	Solution Cavity	3070370.00	10034600.00	WC037	SC	O
64	Cave	3072230.00	10035600.00	WC038	C	
65	Cave	3071960.00	10035700.00	WC039	C	
66	Sinkhole	3071950.00	10034900.00	WC040	SH	R
67	Zone	3068900.00	10036600.00	WC041	Z	

Map 1: Setback Area Location Map

**Map 1: Location Map for Critical Environmental Feature Setbacks  
(Revised - 07-07-2008)**



**Wildflower Commons P.U.D.**